

THE LAW OFFICES OF
NEAL BRICKMAN, P.C.
420 LEXINGTON AVENUE, SUITE 2440
NEW YORK, NEW YORK 10170

NEAL BRICKMAN
JUDITH L. GOLDSBOROUGH
ETHAN Y. LEONARD
VIRIGNIA A. REILLY
JASON A. STEWART

TELEPHONE:
(212) 986-6840

TELECOPIER:
(212) 986-7691

May 6, 2020

VIA ECF FILING

The Honorable Vernon S. Broderick
United States District Court Judge
United States District Court for the
Southern District of New York

Re: *Stanise v. Loria*, 20-CV-2769 (VSB)
Letter to the Court re: Briefing Schedule

Your Honor:

Counsel for Plaintiff John Stanise (“Stanise”) writes in response to The Court’s Order of May 5, 2020 (Doc. 14). Counsel for the Plaintiff and Defendant, the (“Parties”) have met and conferred and cannot agree on a briefing schedule. Rather, the Parties’ positions are as follows:

Defendant, who have moved by Notice of Motion seeking a Temporary Restraining Order and Preliminary Injunctive Relief noticed the motion providing 14 days for Plaintiff to serve opposition and for the Defendants to have 7 days to reply. We have asked the Defendants to submit to this briefing schedule, however they will not consent and rather have proposed that we be required to submit opposition to their temporary relief by Friday, May 8, 2020 and that your Honor’s order called for oral arguments on that date.

We are asking that the Court order the parties to abide by the notice dates within the motion papers, and proposed as follows:

- 1) Stanise shall file his opposition papers, if any, to (a) Loria’s Motion to Transfer Venue and (b) Loria’s Motion for Temporary Restraints and a Preliminary Injunction and (c) Stanise’s Cross-Motion for Temporary Restraints and a Preliminary Order by **May 19, 2020**;
- 2) Loria shall file his reply papers, if any, to Stanise’s opposition papers to (a) Loria’s Motion to Transfer Venue and (b) Loria’s Motion for Temporary Restraints and a Preliminary Injunction and (c) Stanise’s Cross-Motion for Temporary Restraints and a Preliminary Order by **May 26, 2020**;

Stanise v. Loria
May 6, 2020
Page 2

- 3) Stanise shall file his reply papers, if any, to Loria's opposition papers to (c) Stanise's Cross-Motion for Temporary Restraints and a Preliminary Order by **June 2, 2020**;
- 4) The Parties are amenable to oral argument being held thereafter at a time mutually convenient for the Court and the Parties.

With respect to conferencing the case, we would submit that a conference would be most appropriate after we have had to opportunity to gather the facts to respond to Defendants' untruthful allegations and have submitted our opposition to this Court. In any event, Mr. Brickman is unavailable this Friday May 8, 2020 for the entirety of the day and we would ask that the Court propose an alternative date on or after May 19, 2020, or as the Court otherwise sees fit. We thank you for your attention to this matter.

Respectfully submitted,

s/ Jason A. Stewart
Jason A. Stewart (JS4602)
The Law Offices of Neal Brickman
420 Lexington Ave., Suite 2440
New York, New York 10170
(212) -986-6840
Attorney for Plaintiff John Stanise

CC:

VIA ECF
STONE & MAGNANINI LLP
Robert A. Magnanini
100 Connell Drive, Suite 2200
Berkeley Heights, NJ 07922
Counsel for Victor Loria